IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.248 OF 2007
Along with
Civil Application No.1783 of 2006

1. Smt.Krishnabai Bhagwan Patil & ors. Appellants.

Vs

1. Shri Sakharam Shankar Patil and ors Respondents.

Mr Rajesh More, for the appellants.

CORAM : D.B.BHOSALE,J.
DATED : 11th September, 2007

P.C.:

1. Heard the learned counsel for the parties.

2. This appeal is directed against the judgments of the courts below, by which a suit filed by the respondent-plaintiff for partition and separate possession stands decreed. Mr.More, learned counsel for the appellants/defendnat nos.16 to 20, submitted that Gat No.81 was tenanted property and 32G proceedings were conducted in respect thereof and 32M Certificate of the B.T. & A.L.Act was also issued in favour of the appellants and, therefore, she has exclusive right over the suit property. This contention was negatived by the courts below holding that admittedly Shankar Patil was the protected tenant of the said land and he died on 18.8.1957. After his death the name of the husband of the present appellant

was entered as Karta of the joint family and, therefore, it appears that 32G proceedings were concluded in his favour and 32M certificate was also issued. The findings recorded by the courts below in my opinion, are based on the evidence on record and no interference in the present second appeal is called for. In the circumstances, the second appeal is dismissed. As a consequence thereof, the civil application stands disposed of.

(D.B.BHOSALE,J.)